

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 21 AM 10:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Rosendo NAVARRETE-Rubio**

Defendant.

Magistrate Case No.

08 MJ 0501

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-

Bringing in Illegal Aliens

Without Presentation

Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-

Bringing in Aliens for Financial Gain

Title 18, U.S.C., Section 2-

Aiding and Abetting

The undersigned complainant being duly sworn states:

Count I

On or about **February 19, 2008**, within the Southern District of California, defendant **Rosendo NAVARRETE-Rubio**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Joselyn ALAVEZ-Velasco** and **Mayra HERNANDEZ-Arteaga**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **February 19, 2008**, within the Southern District of California, defendant **Rosendo NAVARRETE-Rubio**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria MUNGUIA-Pineda**, **Joselyn ALAVEZ-Velasco** and **Mayra HERNANDEZ-Arteaga** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs  
and Border Protection Enforcement OfficerSworn to before me and subscribed in my presence, this **21st** day of **February, 2008**.

UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**


The complainant states that **Maria MUNGUIA-Pineda, Joselyn ALAVEZ-Velasco and Mayra HERNANDEZ-Arteaga** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 19, 2008, at about 8:30 p.m., **Rosendo NAVARRETE-Rubio (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry driving a Ford Taurus. Also applying for admission was a female passenger, later identified as **Maria MUNGUIA-Pineda (MW1)**. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented as his own a DSP-150 (Border Crossing Card) bearing the name of Hector Manuel Camacho Cobarrubias. Defendant also presented another Border Crossing Card, bearing the name of Veronica Montenegro Bermudez on behalf of MW1. Defendant gave a negative customs declaration and stated he intended to travel to California. During the course of the examination, the CBP Officer suspected Defendant and MW1 were imposters to the Border Crossing Cards presented. The CBP Officer conducted a cursory examination of the vehicle and discovered what appeared to be human beings concealed in the trunk of the vehicle. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, four persons were removed from the trunk of the vehicle. Defendant and MW1 were also confirmed to be imposters to the documents presented. Defendant, MW1 and the four persons concealed in the trunk were determined to be citizens of Mexico without legal documents to enter the United States. Two of the four persons concealed in the trunk were retained as material witnesses and are now identified as **Joselyn ALAVEZ-Velasco (MW2)** and **Mayra HERNANDEZ-Arteaga (MW3)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is not the rightful holder of the Border Crossing Card he presented as his own and that he does not have documents to legally enter the United States. Defendant admitted to knowing MW1 was not the rightful owner of the Border Crossing Card he presented on her behalf and that she does not possess documents to legally enter the United States. Defendant stated he had prior knowledge that there was at least one undocumented alien concealed inside the trunk of the vehicle he was driving. Defendant admitted to making arrangements to drive the vehicle and deliver the passengers to an unspecified location in San Diego, California and, in return, he would be excluded from having to pay a smuggling fee of \$3,000.00 USD.

On separate videotaped interviews, material witnesses declared they are citizens of Mexico without legal documents to enter the United States. Material witnesses stated they were to pay fees ranging from \$3,000.00 to \$4,000.00 to be smuggled in the United States. All material witnesses stated they intended to travel to California to live or seek employment.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

  
UNITED STATES MAGISTRATE JUDGE